

Transportation and Air Quality

- Since 1990 the federal conformity regulation has required that transportation projects not cause, or worsen, violations of air quality standards.
 - ozone, carbon monoxide, or particulate matter (dust)
- FHWA is required to certify this is so.
- The real conformity “hammer” is citizen lawsuits.

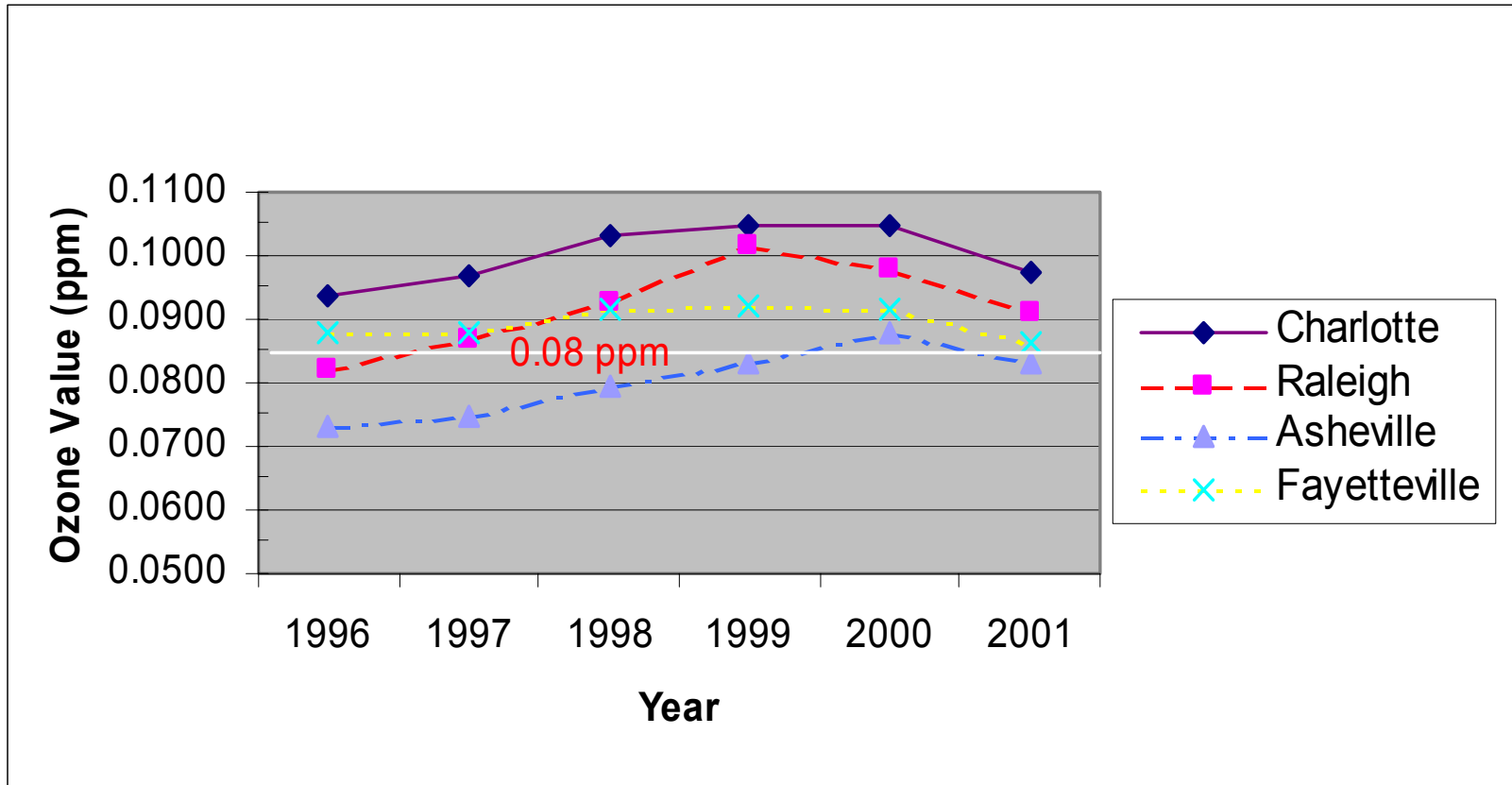
When conformity lapses.

- Design work stops.
- Right-of-Way acquisition stops.
- New construction work stops.
- Permitting stops.
- Lawsuits begin.

Conformity is required. . .

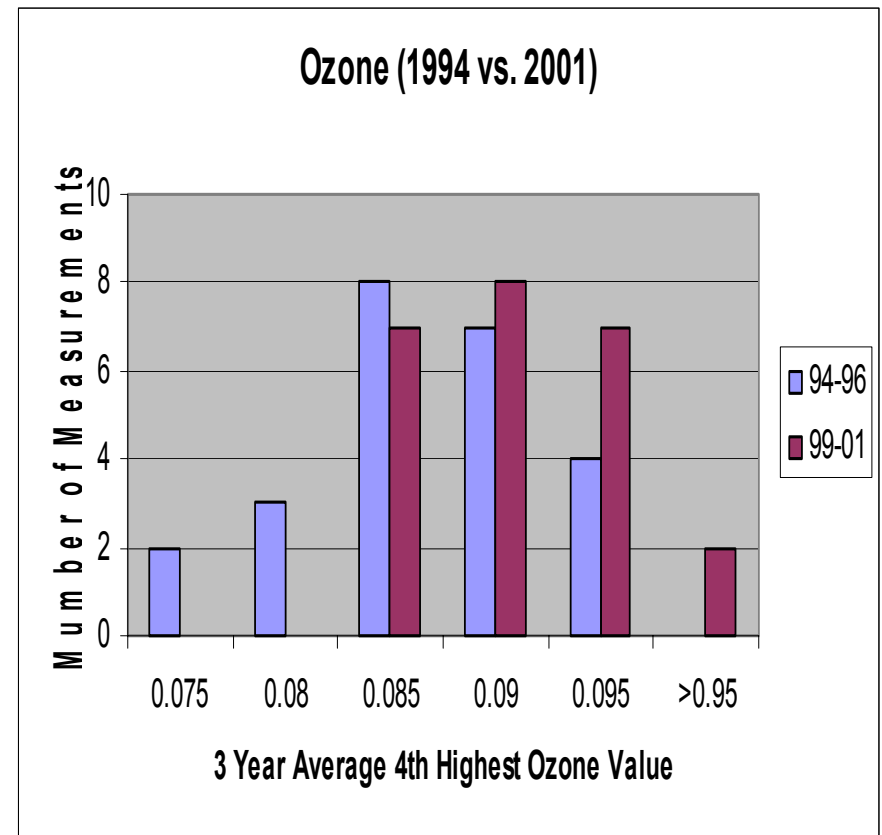
- Adoption or amendment of a transportation plan;
- Adoption or amendment of a local TIP;
- When the SIP changes;
- or every three years.

Why is this important for North Carolina?



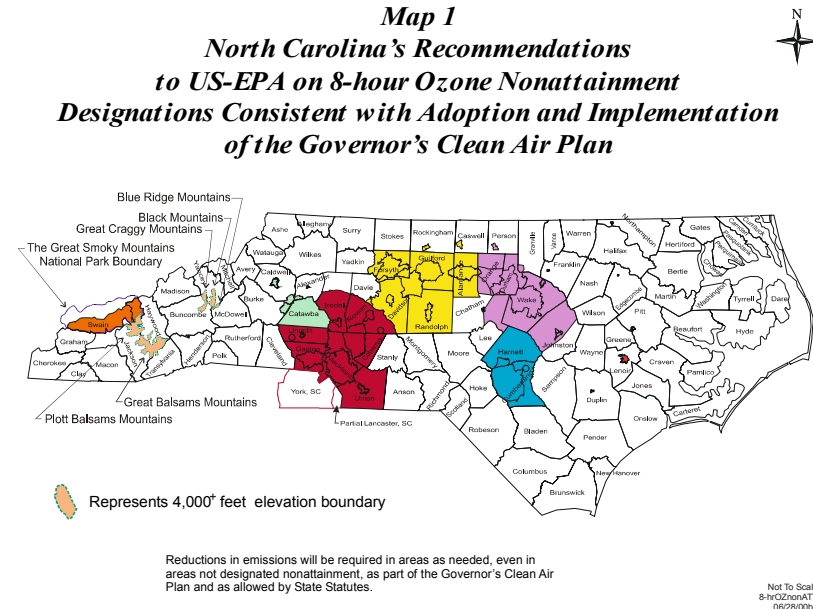
Another View

- 1994 vs. 2001
- 4th Highest Hour of the Year
- Based on 24 monitors with full longitudinal coverage.
- Averages differ implying a change in conditions.



New designations will happen ???

- '97 EPA Revises Ozone Standard
- '99 ATA *et.al* sues EPA over ozone standard.
- February '01 Supreme Court rules in favor of EPA. Requires new implementation rules
- The schedule is : ca, 18 months for new rules, minimum 6 months for negotiations. Implies June/July '03 for designations
- Conformity 1 year later (*July '04?*).



Examples of Conformity Lapse

➤ Atlanta

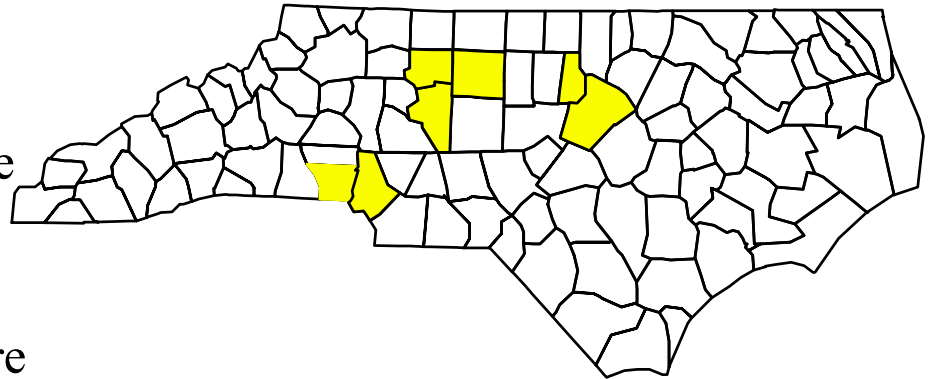
- Lapse January 1998.
- 61 Projects stopped by lawsuit (\$700 Million)
- Federal agencies demand locals commit money to transit 40% of TIP goes to transit.
- Federal agencies demand proof of new land use controls.
- \$173 million annually at stake.
- and the lawsuits continue.

➤ Houston

- Conformity Lapse 11/99. Lifted 7/00
- 182 projects delayed.
- USDOT “reluctantly” approves a conformity determination.
- MPO/TxDOT agree not to add capacity after 9/00.
- ED sues EPA on approval based on incorrect budget and conformity process.

When will conformity become an issue?

- In Charlotte, Durham, Gastonia, Greensboro, High Point, Raleigh, and Winston-Salem it is already an issue.
- Greensboro and High Point have completed analyses and are waiting for USDOT approval.
- Charlotte and Winston-Salem are working on conformity analysis now.
- Raleigh should start now.
- Gastonia should start in October.



The Supreme Court Says

➤ Issue

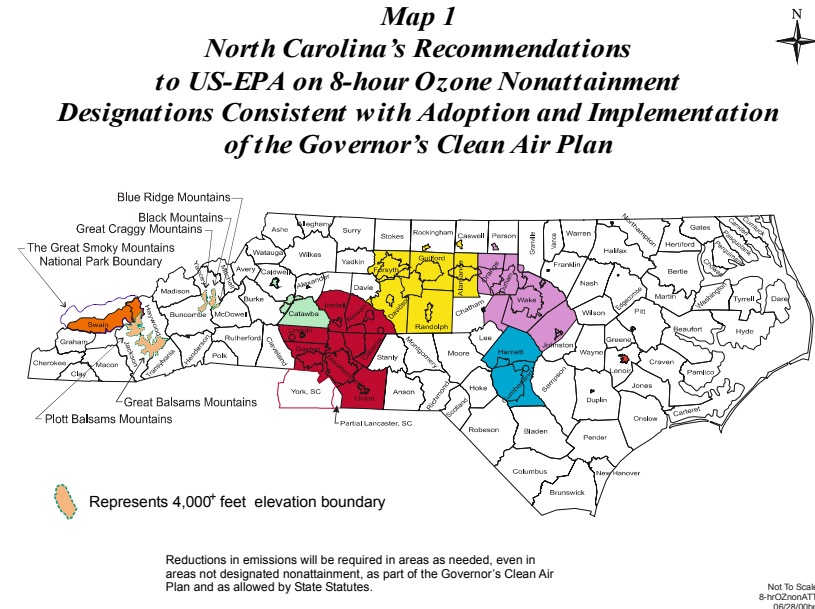
- Unconstitutional delegation of authority
- EPA should consider costs
- The challenge was too early
- EPA has *carte blanche* on implementation

➤ The Court Says

- EPA has authority to set the standard.
- EPA cannot consider \$ in setting the standard.
- The challenge was timed correctly.
- EPA must work within all requirements of the CAA.

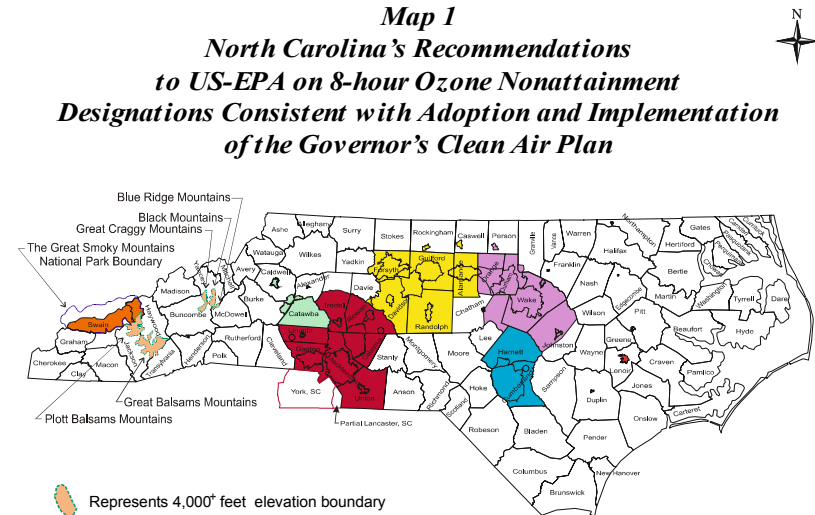
Will this really happen? . . .

- We really don't know.
- Congress may take action.
- The Supreme Court has given EPA a green light.
- The risks of not preparing are too high to ignore.



For example a conformity lapse in 2002 would mean. . .

- 120+ projects delayed over two years.
- \$1.52 billion in delayed right-of-way and construction over two years.



Reductions in emissions will be required in areas as needed, even in areas not designated nonattainment, as part of the Governor's Clean Air Plan and as allowed by State Statutes.

Not To Scale
8-hrOzoneATT
06/26/02en

To keep the program going we need . . .

➤ In Urban Areas

- Stable TIPS
- Working MPOs
- Up to Date
Transportation Plans
(20 year horizons,
fiscal constraint etc.)
- Good Travel Models
- Trained Staff

➤ In Rural Areas

- Stable TIPS
- New Relationships
with Local
Government
- A Planning
Infrastructure
- Trained Staff

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Challenges to Implementation

NCDOT	1 dedicated staff member	Training, administration, procedure development, agency outreach . . .
NCDENR	2 staff members half time	MOBILE model, report review, Will need additional staff for new work.
FHWA	1 staff member	
EPA	2 staff members for 9 states.	Need additional staff for large workload increase.
MPOs	Mostly dependent on NCDOT.	Education and outreach are significant needs.
Rural areas	Entirely dependent on NCDOT	Education and outreach are significant needs.

Staffing Implications

- Staff
 - 48 positions authorized
 - 12 positions vacant
- Tasks
 - Conformity
 - Long Range Planning
 - TIP Development
 - Project Traffic Forecasting
 - Purpose and Need
 - Pre-TIP Planning

Task	Resource Requirement
Authorized Staff	832 Person-months
Vacancies	208 Person-months
Subtotal	624 Person-months
Urban	84 Person-months
Conformity	
Subtotal	540 Person-months
Rural	27 Person-months
Conformity	
Available	513 Person-months

What have we done?

- Worked with DENR to recommend areas.
- Work with DENR in SIP development.
- Prepared a proposed process for EPA review.
- Met with EPA on the proposed process.
- Developed a method for estimating emissions without travel models (for rural areas).

Next Steps

- Work with EPA on implementation.
- Work with DENR on designations.
- Work with DENR on SIP development.
- New I&M fee and I&M expansion.
- Contingency Planning.
- Staff training.
- Education and outreach.